



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3011836  
**Applicant Name:** Michael Xue  
**Address of Proposal:** 3101 West Commodore Way

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow removal of 60 cubic yards of slide debris and replace with 70 cubic yards of rock, behind an existing crib wall.

The following approval is required:

**SEPA - Environmental Determination** (Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:**    ☐ Exempt ☒ DNS   ☐ MDNS   ☐ EIS  
  
   ☐ DNS with conditions  
  
   ☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Location: The property is located at the northwest corner of West Commodore Way and 31<sup>st</sup> Avenue West.

Zoning: The site is zoned IB-U/45 (Industrial Buffer with a variable structure height limit.

Parcel Size: 13,227 square feet

Existing Use: No change of use is proposed in the existing commercial/industrial building located on site.

Public Comment:

The Notice of Application comment period ended on December 1, 2010. No public comment was received.

**ANALYSIS - SEPA**

Due to environmentally critical areas on the development site (steep slope, potential slide and wildlife habitat/heron management area), the application is subject to SEPA review. SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the

proposal is consistent with the City's Environmentally Critical areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review included identifying if any mitigation measures are needed in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant November 10, 2010. The Department of Planning and Development has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and pertinent comments received regarding this proposed action have been considered. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant. Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations).

Due to the project's location with the Great Blue Heron Management Area (all areas within 500 feet of a colony nesting area) the applicant is required to provide a Great Blue Heron Management Plan in compliance with Director's Rule 5-2007. In compliance with that Rule, the applicant has provided a signed copy of DR 5-2007, which includes a management plan with the following conditions:

- 1) Any clearing, grading or outside construction shall be done outside of the nesting season (February 1<sup>st</sup> through July 31<sup>st</sup>).
- 2) All 22 inch diameter breast height (dbh) or larger screening trees shall be retained during the nesting season so as to block visual disturbance to the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure.
- 3) If the parcel abuts the colony nesting area there shall be a minimum 15 foot building setback. The setback shall be vegetated in a manner that screens activities on the parcel from the colony nesting area.

This Great Blue Heron Management Plan will be required as a condition of permit approval.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State

Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#) (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

### **SEPA - CONDITIONS**

#### **For the Life of the Project**

- 1) A Great Blue Heron Management Plan with the following elements is required:
  - a) Any clearing, grading or outside construction shall be done outside of the nesting season (February 1<sup>st</sup> through July 31<sup>st</sup>).
  - b) All 22 inch diameter breast height (dbh) or larger screening trees shall be retained during the nesting season so as to block visual disturbance to the colony. Screening trees are those trees that are within direct line of sight of the nesting area or block line of sight to the structure.
  - c) If the parcel abuts the colony nesting area there shall be a minimum 15 foot building setback. The setback shall be vegetated in a manner that screens activities on the parcel from the colony nesting area.

Signature Signature on File  
Molly Hurley, Senior Land Use Planner  
Department of Planning and Development

Date: January 5, 2011